

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1763 (SS) OF 2005

1. Gopal Singh Rawat, S/o late Sh. Nandan Singh Rawat, R/o Village Danpau, P.O. Bhavrauj Khan, District-Almora (Uttaranchal).
2. Kundan Singh Negi, S/o late Sh. Laxman Singh Negi, R/o Village Julee P.O. Ganiadholi, Tehsil Ranikhet, District-Almora Uttaranchal.
3. Shyam Singh, S/o late Sh. Sunder Singh Suesal, R/o Village Lelu, P.O. Badda, Tehsil Pithoragarh, Distt. Pithoragarh (Uttaranchal). Petitioners.

Versus

1. State of Uttaranchal, through its Secretary Government of Uttaranchal, Civil Secretariat, Dehradun.
2. Deputy Inspector General of Police, (Kumaon Range), Uttaranchal, Dehradun.
3. Additional Director General of Police (Fire Service), Uttaranchal, Dehradun.
4. Deputy Inspector General of Police, Head Quarter (Fire Service), U.P. Indira Bhawan, 4th Floor, Lucknow. Respondents.

***Mr. M.C. Bansal, Advocate for the petitioner.
Learned Standing Counsel for the respondents.***

Dated : 20.03.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the process of conducting the Technical Knowledge Test dated 29.11.2005 conducted by the respondent no. 3 for the promotion of Fireman to the post of

Leading Fireman/Fire Service Driver. Further prayer has been made for a writ of mandamus commanding the respondents to promote the petitioners in the light of Range Test as well as the Central Test dated 06.07.2002 & 16.09.2002 respectively to the post of Leading Fireman/Fire Service Driver conducted by Deputy Inspector General of Police (Kumaon Range), Nainital and D.I.G. Lucknow, respondent no. 4 respectively.

Briefly stated, the petitioners are personnel of Uttaranchal Fire Service and at present all are posted at Fire Station Kashipur, District-Udham Singh Nagar, Uttaranchal as a Fireman. They all were appointed on a substantive vacancy on 04.05.1988, 04.05.1988 & 03.05.1988 respectively and they are working on a permanent post.

On 14.06.2002, the Inspector General of Police (Fire Service) U.P. Fire Service Head Quarter U.P. Lucknow issued certain directions for holding written and oral test for promotion to the post of Leading Fireman/Fire Service Driver and according to these directions the candidates had to first appear in Range Level Written/Oral Test and those succeeding in this Range Level Written/Oral Range Test were to appear in Central Level Written/Oral Test. In pursuance of the aforesaid, Deputy Inspector General of Police (Kumaon Range) Nainital conducted a Range Test on 06.07.2002 and the petitioners qualified in the said Written/Oral Range Test.

On 23.08.2002, the S.S.P. Udham Singh Nagar informed the Fire Service Officer, Kashipur that the successful candidates in the Range Test are required to appear for the Central Test to be held on 02.09.2002 at Rajya Agni Shaman Prashikshan Maha Vidyalaya, Dosti Nagar, Unnao, U.P. The Test held on 16.09.2002 instead of 02.09.2002. The petitioners appeared there.

After qualifying in the written and physical test, the petitioners appeared for interview also. The final result of interview are yet to be declared by the Fire Service Head Quarter, U.P. Lucknow.

Petitioners have submitted that some of the person who appeared in a similar test in the year, 1997, who were the failure candidates ion the interview, in pursuance of the directions of Inspector General of Police, Fire Service, U.P. Lucknow on 20.07.1995 filed three writ petitions before the Hon'ble High Court of Judicature at Allahabad Bench Lucknow to quash the same selection procedure. The Hon'ble High Court of Judicature at Allahabad Bench Lucknow decieed all these three petitions by its single order dated 11.07.2003 and dismissed the writ petitions. After the above mentioned judgment and order of the Hon'ble High Court of Judicature at Allahabad Bench Lucknow dated 11.07.2003 the then petitioners were promoted in spite of being declared successful in the interview only on the ground that they had reached upto the stage of interview, hence, they were considered entitled for promotion to the post of Leading Fireman/Fire service Driver.

Stating his grievances, the petitioner no. 1 filed a representation before the Additional Director General of Police (Fire Service), Police Head Quarter, Uttaranchal Dehradun on 30.08.2005 regarding promotion but no action has been taken by the authorities on the same.

On 11.11.2005, the respondent no. 3 Additional Director General of Police (Fire Service), Police Head Quarter Uttaranchal, Dehradun issued directions providing for holding technical knowledge test for promotion to the post of Leading Fireman/Fire Service Driver. Petitioner has submitted that a seniority list is being prepared, where they have been placed at Serial No. 97,91 and 85 respectively.

Submission of the petitioner is that they are legally entitled for promotion to the post of Leading Fireman/Fire Service Driver for the reason of being successful candidates in the Range Test as well as Central Test held on 06.09.2002 and 16.09.2002 respectively and being the candidates reaching upto the stage of interview in the Central Test.

In view of the above, the respondents are directed to declare the result of the interview held on 16.09.2002 and thereafter consider the petitioners for promotion in accordance with the rules within a period of four months.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

20.03.2006

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